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Proceedings of the Arizona Game and Fish
Commission License Revocation and Civil
Assessment Hearings
Friday, January 21, 2005 – 1:30 p.m.
Sheraton Crescent Hotel
2620 W. Dunlap Avenue
Phoenix, Arizona.

PRESENT: (Commission)

(Director's Staff)

Chairman Sue Chilton
Commissioner W. Hays Gilstrap
Commissioner Joe Melton
Commissioner Michael M. Golightly
Commissioner William H. McLean

Director Duane L. Shroufe
Deputy Director Steve K. Ferrell
Assistant Attorney General Jim Odenkirk
Assistant Attorney General Shelley Cutts

Hearings on License Revocations for Violation of Game and Fish Codes and Civil Assessments for the Illegal Taking and/or Possession of Wildlife

Presenter: Bob Price, Acting Law Enforcement Branch Chief

Pursuant to A.R.S. §§17-314 and 17-340, the below named persons were subject to consideration by the Commission for license revocation and/or civil assessment for unlawful acts covered by these sections. Pursuant to A. R. S. §15-714, the Commission may also require the subject(s) to complete a Hunter Education Course. These subjects have been notified by certified mail, or in person, as required in A.R.S. §17-340.D, that the Commission will conduct a hearing at the Sheraton Crescent Hotel, 2620 West Dunlap Avenue, Phoenix, Arizona, on January 21, 2005, time certain 1:30 p.m.

Name

Conviction

Haymore, Dagen L.	Count A: Take Big Game with artificial light.
Sparks, Cameron L.	Count A: Take Big Game with artificial light.
Lopeman, Marc B.	Count A: Take Big Game with artificial light.
Johle, Eric M.	Count A: Take Big Game without tag (turkey).
Verrigni, Gerald A.	Count A: Take Big Game without tag (turkey).
Gaylord, Russell B.	Count A: Take wildlife without valid license and tag (elk).
	Count B: Take wildlife during the closed season (elk).

The Commission was provided for review in advance the case summaries and other pertinent information relating to these cases.

Roll call was taken. Present were Haymore, Sparks, and Lopeman. Not present were Johle, Verrigni and Gaylord.

Motion: Gilstrap moved and McLean seconded THAT THE COMMISSION TAKE JURISDICTION IN THESE CASES AND CONSIDER THESE SUBJECTS FOR LICENSE REVOCATION, HUNTER EDUCATION REQUIREMENT, AND/OR CIVIL LIABILITY ASSESSMENT.

Vote: Unanimous

The following cases, Haymore, Sparks, and Lopeman, were related.

Dagen L. Haymore

Haymore was found guilty in Williams Justice Court for: Count A. Take Big Game With Artificial Light; and sentenced Count A: Fined \$150.00.

Mr. Haymore addressed the Commission and stated his case. He didn't feel his license should be revoked since they were not hunting. They were coming back from town where they had gone to make an important phone call and were headed back toward their camp. The hunting equipment in the truck was there because they had been hunting deer that day and would be hunting elk the next day. They stopped close to camp and turned on the spotlight just to see what was out there. They heard elk bugling and made similar calls to attract them. Then they started up the truck and were headed back to camp when they were pulled over. They were not trying to hunt; they are not poachers. They pled guilty in court because they were advised by the court to plead no contest and they didn't realize that they could have their hunting license revoked. It was the easiest way to deal with the charges and more cost efficient since they lived in southern Arizona and would have to drive several hours back and forth and miss work. It was an honest mistake and Mr. Haymore believes he could have won his case in court.

Motion: Gilstrap moved and Melton seconded THAT THE LICENSE AND/OR LICENSE PRIVILEGES OF DAGEN L. HAYMORE TO HUNT IN THE STATE OF ARIZONA ARE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF 2 YEARS. THAT THE LICENSE BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR. THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSION OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Commissioner Golightly commented that this was one of the more difficult cases he has heard and that he was struggling with it. He reminded the Commission that the license revocation was a blemish on a person's record that would always be there.

Vote: Aye Chilton, Gilstrap, Melton, McLean
Nay Golightly
Passed 4 to 1

Chairman Chilton commented that this motion was for two years and the standard is five. Two is very lenient, which shows that the Commission took careful consideration of what was said in this case.

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Cameron L. Sparks

Sparks was found guilty in Williams Justice Court for: Count A. Take Big Game With Artificial Light; and sentenced Count A: Fined \$150.00.

Mr. Sparks addressed the Commission and corroborated what Mr. Haymore had stated. Mr. Sparks added that they were not dressed for hunting. They were in shorts and t-shirts and ready for bed when they had to go to town and make a call to home. They stopped on their way back just to see what was out there for the hunt the next day.

Motion: Gilstrap moved and Melton seconded THAT THE LICENSE AND/OR LICENSE PRIVILEGES OF CAMERON L. SPARKS TO HUNT IN THE STATE OF ARIZONA ARE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF 1 YEARS. THAT THE LICENSE BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR. THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSION OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Aye Chilton, Gilstrap, Melton, McLean
Nay Golightly
Passed 4 to 1

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Marc B. Lopeman

Lopemen was found guilty in Williams Justice Court for: Count A. Take Big Game With Artificial Light; and sentenced Count A: Fined \$150.00.

Mr. Lopeman addressed the Commission and corroborated what Mr. Haymore and Mr. Sparks had stated. Mr. Lopeman added that they did not take any game as stated in the charge. Further, Mr. Lopeman commented that they were bow hunters and that you need a lot more light than a spotlight to hunt with a bow.

Motion: Gilstrap moved and Melton seconded THAT THE LICENSE AND/OR LICENSE PRIVILEGES OF MARC B. LOPEMAN TO HUNT IN THE STATE OF ARIZONA ARE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF 1 YEARS. THAT THE LICENSE BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR. THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT

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BRANCH BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSION OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Aye Chilton, Gilstrap, Melton, McLean
Nay Golightly
Passed 4 to 1

Commissioner Golightly made a motion that the Commission reconsider and level the same period of time for the first respondent, Mr. Haymore, as the others. The motion failed for lack of a second.

Commissioner Gilstrap commented that Commissioner McLean made a statement earlier that there was a higher expectation of Mr. Haymore due to his vocation as a Law Enforcement Officer with the U.S. Border Patrol. Further, Mr. Haymore was cited in 2000 for taking a deer without a permit making this the second mistake over a period of five years. They were bad decisions as they relate to wildlife and that is why he made the difference of two years versus one year as for the others.

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Eric Michael Johle

Johle was found guilty in Fredonia Justice Court for: Count A. Take Big Game Without Tag (Turkey): Fined \$194.00.

Mr. Johle was not present.

Motion: McLean moved and Gilstrap seconded THAT THE LICENSE(S) AND/OR LICENSE PRIVILEGES OF ERIC MICHAEL JOHLE TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA ARE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF 5 YEARS; THAT THE LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH BEFORE APPLYING FOR ANY OTHER LICENSES TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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Gerald A. Verrigni

Verrigni was found guilty in Fredonia Justice Court for: Count A. Take Big Game Without Tag (Turkey): Fined \$194.00.

Mr. Verrigni was not present. However, he sent a letter to the Commission dated December 13, 2004, which stated that he was not guilty and requested that the Commission not revoke his license.

Motion: Golightly moved and McLean seconded THAT THE LICENSE(S) AND/OR LICENSE PRIVILEGES OF GERALD A. VERRIGNI TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA ARE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF 5 YEARS; THAT THE LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH BEFORE APPLYING FOR ANY OTHER LICENSES TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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Russell Blake Gaylord

Gaylord was found guilty in Snowflake Justice Court for: Count A. Take Wildlife Without Valid License And Tag (Elk); Count B. Take Wildlife During The Closed Season (Elk); Count C: Possess Unlawfully Taken Wildlife (Elk): Fined \$250.00.

Mr. Gaylord was not present.

Motion: McLean moved and Melton seconded THAT THE LICENSE(S) AND/OR LICENSE PRIVILEGES OF RUSSELL BLAKE GAYLORD TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA ARE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF 5 YEARS; THAT THE PERIOD OF THE REVOCATION BEGIN UPON THE ENDING OF THE LICENSEE'S CURRENT LICENSE REVOCATION IN THE STATE OF COLORADO; THAT THE LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT BEFORE APPLYING FOR ANY OTHER LICENSES TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT SHARED CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST RUSSELL BLAKE GAYLORD TO COLLECT THE AMOUNT OF \$2,277.23 FOR THE LOSS OF ONE (1) 6X6 BULL ELK AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED

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TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER
IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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Meeting recessed at 3:10 p.m.

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